

Issued: September 1, 2016

**TOWN PLAN AND ZONING COMMISSION REGULAR MEETING  
MONDAY, AUGUST 1, 2016  
LEGISLATIVE CHAMBER, ROOM 314  
TOWN HALL, WEST HARTFORD, CT 06107**

**MINUTES**

**CALL TO ORDER/ROLL CALL: 7:00 P.M.**

**ATTENDANCE:** Chair: Kevin Ahern; Vice Chair: Kevin Prestage; Commissioners: Michele Maresca; Alternates: Gordon Binkhorst; Liz Gillette; Staff: Todd Dumais, Town Planner/TPZ Secretary

**ABSENT:** Commissioners: Michael Seder and John O'Donnell; Alternate: Mishone Donelson; Staff: Catherine Dorau, Associate Planner; Kimberly Boneham, Deputy Corporation Counsel

**CALL TO ORDER/ROLL CALL: 7:00 P.M.**

**MATTERS FOR PUBLIC HEARING SHALL BE CALLED AT 7:15 P.M.**

**MINUTES:**

1. Approval of Minutes:
  - a. Minutes of the Regular Meeting, Wednesday, July 6, 2016.  
*Motion/Maresca; Second/Binkhorst; Vote 3-0; Voting: Maresca, Binkhorst, Ahern*

**COMMUNICATIONS:**

2. **North Main Street Bridge Rehabilitation** – Application (IWW#1020) Communication from Duane Martin, Town Engineer, requesting an extension of time to initiate the authorized regulated activity, pursuant to Section 11.8 of the Inland Wetlands and Watercourses Regulations.

After a detailed review of the ordinance, the IWWA acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Maresca) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to **RECOMMEND APPROVAL** for the request of a two-year extension of the communication item.

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### **NEW BUSINESS:**

3. **1358 New Britain Avenue (aka 7, 15, & 17 Berkshire Road)-** Application (SUP #1134-R1-16) of West Hartford United Methodist Church (Ken Shuskus, President of Trustees) requesting Special Use Permit approval to modify the parking area and construct a gazebo on a portion of newly acquired land at 15 and 17 Berkshire Road, which is adjacent to the parking lot. (Submitted for TPZ receipt on August 1, 2016. Suggest required public hearing be scheduled for September 7, 2016.)

After a brief review of the application and its related exhibits and after consideration of staff technical comments, the TPZ acted by **unanimous vote (5-0)** (Motion/Prestage; Second/Maresca) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to schedule this matter for public hearing on Wednesday, September 7, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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4. **153 Hunter Drive-** Application (IWW #1048) of Norman Abare, R.O., seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities, which may have an adverse impact on a wetland and watercourse area. The applicant proposes regrading of portions of the side and rear yard and to construct an approximately two (2) foot high retaining wall, arborvitae plantings, and fencing. The proposed is within the 150 ft. regulated area. (Submitted for IWWA receipt on August 1, 2016. Presented for determination of significance.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, the IWWA acted by **majority vote (3 -2)** (Motion/Prestage; Second/Binkhorst) (Maresca and Gillette voting no) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to find the proposed regulated activity to be **POTENTIALLY SIGNIFICANT** and set this matter for public hearing on Wednesday, September 7, 2016 at 7:15 P.M. in the Legislative Chamber, Room 314, West Hartford Town Hall, 50 South Main Street.

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### **OLD BUSINESS:**

5. **37 LaSalle Road - McLadden's Irish Publick House -** Application (SUP #1189-R1-16) of Michael Ladden, Owner of McLadden's Irish Publick House (Lexham Street Retail, LLC, R.O. of property know as 25-43 LaSalle Road) requesting Special Use Permit approval to amend SUP #1189 to increase the outdoor dining seating capacity from eight (8) seats to fourteen (14). The dimensions and fencing of the outdoor dining area are to remain the same as originally approved. (Submitted for TPZ receipt on July 6, 2016. Required public hearing scheduled for August 1, 2016.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Maresca; Second/Prestage) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to **APPROVE** this application with

conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
  - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
  - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. The dimension of the outdoor dining area shall be corrected to a depth of six feet, one inch (6'1") from the façade of the building. All other dimensions shall be adjusted accordingly on the final plans.
3. Pursuant to West Hartford Code of Ordinances Section 177-42A(8), the applicant shall return to the TPZ by August 2018 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

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6. **139 (aka 137) North Main Street (American School for the Deaf)**- Application (SUP #1125-R1-16) of the American School for the Deaf (Thomas Wood) requesting Special Use Permit approval to operate a Nursery program (Tiger Cubs Nursery Program) with a licensed capacity of a maximum of fifty-three (53) children. (Submitted for TPZ receipt on July 6, 2016. Required public hearing scheduled for August 1, 2016.)

The TPZ acted by **unanimous vote (5-0)** (Motion/Gillette; Second Prestage) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to **APPROVE** this application with conditions. During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
  - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in

harmony with the appropriate and orderly development of the district in which it is located.

- b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.
  - c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
2. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by August 2018 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified.

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7. **1344 New Britain Avenue (aka 8 and 10 Berkshire Road)** - Application (IWW #1046) of NB Asset Management, LLC, Brandon Handfield, P.E., (Eleanore M. Leary Estate, c/o John Leary III, R.O.) seeking approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area. The applicant seeks to construct two (2) single-family homes as part of a proposed subdivision. The two lots are located across the street (New Britain Avenue) from Wolcott Park which is identified as wetland soils per the Town map. One of the driveways and part of the site development for both homes falls within the 150 ft. upland review area. (Submitted for IWWA receipt on July 6, 2016. Determined to be potentially significant and set for public hearing on August 1, 2016.) *Approved with conditions. Motion/Binkhorst; Second/Prestage; Vote: 4-0 (Maresca recused herself) (Gillette seated for Seder; Binkhorst seated for O'Donnell).*

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (4-0)** (Motion/Binkhorst; Second/Prestage) (Maresca recused herself) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

**1344 NEW BRITAIN AVENUE (AKA 8 AND 10 BERKSHIRE ROAD)**  
**INLAND WETLAND APPLICATION IWW #1046**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **1344 New Britain Avenue (AKA 8 and 10 Berkshire Road)** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1046** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.

[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.

- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **1344 New Britain Avenue (AKA 8 and 10 Berkshire Road)**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.
- 3.) The permit shall expire if not exercised within five (5) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

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- 8. **1344 New Britain Avenue (aka 8 and 10 Berkshire Road)** - Application (SUB #297) of NB Asset Management, LLC, Brandon Handfield, P.E., (Eleanore M. Leary Estate, c/o John Leary III, R.O.) requesting approval of a four (4) lot residential subdivision on .96 acres of land in a R-6 single family zone. (Submitted for TPZ receipt on July 6, 2016. Set for public hearing on August 1, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (4-0)** (Motion/Prestage; Second/Binkhorst) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) (Maresca recused herself) to **APPROVE** the subject application. During its discussions and deliberations on this matter, the Commission made the following findings:

- 1. The proposed subdivision is consistent with the requirements of the Subdivision Regulations found in Chapter 184 of the West Hartford Code of Ordinances.
- 2. Final approved plans shall be submitted in electronic form for inclusion into the Town's Geographic Information System (GIS).
- 3. Drainage and common driveway easements, consistent with the easements detailed on the approved plans, shall be recorded on the land records prior to the applicant's conveyance of any of the property to be encumbers by those easements.
- 4. This letter of approval shall be stripped onto the final plan set.

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9. **114 Waterside Lane-** Application (IWW #1047) of Haz-Pros, Inc., Clayton Kilbourn, President, (Linda Goldfarb, R.O.) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Wood Pond). The applicant proposes to install an in-ground salt water pool approximately 22' x 36' with a waterfall feature and encircling masonry paver patio and walk. The proposed activity is within the 150 ft. upland review area. (Submitted for IWWA receipt on July 6, 2016. Determined to be potentially significant and set for public hearing on August 1, 2016.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **majority vote (4-1)** (Motion/Maresca; Second/Gillette) (Prestage voting no) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

**114 WATERSIDE LANE**  
**INLAND WETLAND APPLICATION IWW #1047**  
**COMPLIANCE WITH SECTION 10.2 and 10.4**  
**STANDARDS AND CRITERIA FOR DECISION**

The request to conduct certain regulated activities at **114 Waterside Lane** in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application **IWW #1047** should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

- [1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.
- [2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;
- [3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.
- [4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.
- [5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;
- [6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition, the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on a parcel of land which falls under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcel of land is located **114 Waterside Lane**.

This permit is issued and made subject to the following conditions:

- 1.) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements and shall be installed and maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control.
- 3) Prior to the start of excavation of the pool, the Applicant shall notify the Town Planner of the start of activity.
- 4) A professional engineer shall be present when the lowest depth of the excavation for the pool is reached to monitor for possible ground water.
- 5) Utilizing the existing ground monitoring wells, the Applicant shall take two additional ground water measurements. The first shall be within 24 hours of a



significant rainfall event (more than .5 inches of rain in a 24-hour period) and the second not more than 72 hours prior to the start of excavation for the pool. If ground water levels are higher than that originally reported in the application, an alternative pool design will need to be submitted.

- 6) If ground water is encountered, all excavation work shall cease and the Applicant shall notify the Town Planner to discuss an alternative plan of development.
- 7) The permit shall expire if not exercised within two (2) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

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**OLD BUSINESS- PUBLIC HEARING AND DECISION RESCHEDULED FOR AUGUST 1, 2016:**

10. **162 Shield Street (Cora Cora) (AKA 138 Shield Street)**- Application (SUP #1293) of Cora Cora seeking Special Use Permit approval for a total of forty (40) seats for outdoor dining with permanent fencing, a fixed awning with fabric and clear vinyl panels for protection during inclement weather. The applicant is also proposing speakers for music and infrared heaters. (Submitted for TPZ receipt on June 6, 2016. Required public hearing scheduled for July 6, 2016. At the request of the Applicant, public hearing rescheduled to August 1, 2016.)

After a review of the application and its related exhibits and after consideration of staff technical comments and the public hearing record, the TPZ acted by **unanimous vote (5-0)** (Motion/Binkhorst; Second/Prestage) (Gillette seated for Seder) (Binkhorst seated for O'Donnell) to **APPROVE** this application with conditions.

During its discussions and deliberations on this matter, the Commission made the following findings and conditions:

1. The proposal meets the finding requirements of Section 177-42A (5a) of the West Hartford Code of Ordinances. In particular:
  - a. The location and size of the use, the nature and intensity of the operations connected with this use, the size of the lot in relation to it and the location of the lot with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - b. The kind, location and height of all structures and the nature and extent of the landscaping on the lot are such that the use will not hinder or discourage the appropriate development and use of adjacent properties.

- c. The parking and loading facilities are adequate and properly located for the proposed use, and the entrance and exit driveways are laid out so as to achieve maximum safety.
- 2. The TPZ finds that the outdoor dining area's location, interior to an existing shopping center parking area and not proximate to public streets, warrants approval of the permanent awning and roll down panels and is consistent with Section 177-37.2C (5).
- 3. Pursuant to West Hartford Code of Ordinances Section 177-42A (8), the applicant shall return to the TPZ by August 2018 for further review and evaluation. The TPZ may consider supplemental conditions of approval if operational concerns are identified

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#### **TOWN COUNCIL REFERRALS AND REQUEST FOR REPORTS:**

- 11. **Ordinance- Revising Policies and Procedures for the Collection of Refuse-** Town Council Resolution revising policies and procedures for the collection of refuse. (Town Council receipt on July 26, 2016. TPZ receipt on August 1, 2016.) ***Motion to recommend approval/Maresca; Second/Binkhorst; Vote: 5-0 (Gillette seated for Seder; Binkhorst seated for O'Donnell).***

#### **TOWN PLANNER'S REPORT:**

- 12. Flood Prone Property Information & Annual FEMA CRS Update ***Received by TPZ.***

**ADJOURNMENT:** ***Motion to adjourn/Prestage; Second/Binkhorst; Vote: 5-0 (Gillette seated for Seder; Binkhorst seated for O'Donnell).***

U: shareddocs/TPZ/Agenda//2016/August 1Final Minutes